

EPA Public Hearing  
Chesapeake Bay TMDL  
Elmira, New York  
October 26, 2010

Comments of Rich Dunning  
City of Hornell WPCP

The Chief Operators of the twenty-eight New York Wastewater Treatment Plants in the Chesapeake Bay watershed all agree that the restoration of the Chesapeake Bay is a worthy goal. The Chesapeake Bay has been called a national treasure. Anyone who works in Public Works knows that we need to reinvest in our infrastructure. This investment in repairing our infrastructure would create jobs and bring new nutrient removal technology to treatment plants. However, there is no political will to spend federal tax dollars on this type of capital project right now. If the Chesapeake Bay is a national treasure shouldn't all of the stakeholders pay for this project?

The Obama administration is attempting the clean up of the Chesapeake Bay by mandating the regulations that are required to clean up the Bay. By law the TMDL needs to be achieved in the next 15 years. Once the new regulations kick in treatment plants in the watershed will violate their permits. These violations will stir headlines. Permit violations will also trigger regulatory actions from the EPA that will require up to twenty-eight wastewater treatment plants to be upgraded or face daily fines for non-compliance.

Fact: Publicly owned treatment plants in New York State are responsible for about 1% of the nutrients delivered to the Chesapeake Bay. It is estimated that the cost to upgrade treatment plants in New York to remove the nutrients is \$1 billion.

The EPA in its mission to clean up the Chesapeake Bay is doing it's best to design a program that will control nutrient waste to the Bay. The EPA has taken exception with the New York State DEC's proposed Watershed Improvement Plan. By enacting this draft TMDL (including its backstop measure) as law the EPA is shifting the burden for nutrient removal in New York State from the sources that create the waste but are not point sources to the point sources that are permitted but create little of the delivered waste. This TMDL may expedite the creation of regulations, but it is arbitrary and inequitable to the citizens of Western New York.

The cost to upgrade the City of Hornell Wastewater Plant was estimated to be \$6 million in 2005. The Operations and Maintenance expense for the new equipment will add 40% to our annual budget. This expenditure would be wasteful and ineffective because we are responsible for so little of the nutrient waste that reaches the Chesapeake Bay. Thank you for this opportunity to comment. I may be reached at 607-324-2682 or at [www.rdunningii@yahoo.com](mailto:www.rdunningii@yahoo.com).

Sincerely yours,

Rich Dunning  
Chief Operator  
City of Hornell W.P.C.P.